

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PHARMASTEM THERAPEUTICS, INC.,

Plaintiff,

v.

VIACELL, INC., OBSTETRICAL AND
GYNECOLOGICAL ASSOCIATES, P.A., and
FEMPARTNERS, INC.,

Defendants.

Civil Action No. 04-11673-RWZ

ASSENTED TO MOTION FOR EXTENSION OF TIME

Defendants, ViaCell, Inc., Obstetrical and Gynecological Associates, P.A., and FemPartners, Inc., respectfully request the Court for an extension of time up to and including November 29, 2004 in which to respond to the plaintiff's Amended Complaint For Patent Infringement and Demand for Jury Trial. In support of this motion, defendants state that they require an extension of the current deadline in order to provide them with sufficient time to consider and evaluate the implications of the recent decision of *PharmaStem Therapeutics, Inc. v. ViaCell, Inc. et al.*, Civ. No. 02-148, 2004 WL 2127192 (D. Del. Sept. 15, 2004) regarding patents related to the patents-in-suit in this matter. Defendants expressly reserve and do not waive any defenses to the Amended Complaint. Plaintiff has assented to this motion.

Respectfully submitted,

VIACELL, INC., OBSTETRICAL AND
GYNECOLOGICAL ASSOCIATES, P.A.,
and FEMPARTNERS, INC.,

By their attorneys,

/s/ John C. Englander
Paul F. Ware, Jr., P.C. (BBO # 516240)
John C. Englander, Esq. (BBO # 542532)

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Dated: September 30, 2004

LOCAL RULE 7.1(A)(2) CERTIFICATE

The undersigned certifies pursuant to Local Rule 7.1(A)(2) that on September 30, 2004, counsel for defendants conferred with counsel for plaintiff PharmaStem Therapeutics, Inc. on the matters set forth in the foregoing motion and reports that plaintiff has assented to this motion.

/s/ Elaine Herrmann Blais
Elaine Herrmann Blais

SO ORDERED:

Rya W. Zobel, U.S.D.J.

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